

## **REMARKS**

For ease of reference, paragraph numbers used herein correspond to like paragraph numbers used in the Office action.

### **Claim Objections**

3. Claim 17 is objected to in the Office action as lacking a comma after the phrase “and is desired”.

In response, claim 17 is amended herein and no longer contains the phrase “and is desired”. Thus the objection to claim 17 is believed by the applicant to be overcome.

### **Claims Rejections under 35 USC §112**

5. Claims 1-20 stand rejected in the Office action under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection is respectfully traversed.

Specifically, the Office cites the following phrases or instances:

- i) “effective in removing” in independent claims 1, 17 and 20;
- ii) use of a broad range together with a narrow range that falls within said broad range in dependent claims 2 and 3;
- iii) “such as” in dependent claims 6;
- iv) “preferably” in dependent claim 4 and independent claim 20; and
- v) “use” of wood cooking aid in independent claim 20 without any active, positive steps delimiting how said use is practiced.

In response, the applicant respectfully submits claims 1-20 are amended herein and no longer contain the cited phrases and/or instances. As such, the rejections of claims 1-20 under 35 USC 112 are believed by the applicant to be overcome.

**1<sup>st</sup> Rejection under 35 USC §102**

12. Claims 1-9, 13, and 14-16 stand rejected in the Office action under 35 USC §102 as being anticipated by MAGEE et al. The rejection is respectfully traversed.

Amended claims 1-9, 13, and 14-16 are directed to “a wood cooking aid comprising a fatty acid component and a rosin acid component and/or salts thereof wherein said fatty acid component is blended together with said rosin acid component to produce said cooking aid. (*emphasis added*) and wherein said cooking aid comprises about 70 to about 2% fatty acids, and about 20 to about 98% rosin acids.”

MAGEE teaches compositions of distilled tall oil products produced in the United States and provides characterization of the components of said distilled tall oil products. MAGEE does not teach applicant’s claimed wood cooking aid comprising “a fatty acid component and a rosin acid component and/or salts thereof wherein said fatty acid component is blended together with said rosin acid component to produce said cooking aid” (*emphasis added*). Thus, MAGEE cannot be said to anticipate amended claims 1-9, 13 and 14-16.

It is therefore believed by the applicant that the rejection of claims 1-9, 13 and 14-16 under 35 USC 102 has been overcome.

**2<sup>nd</sup> Rejection under 35 USC §102**

13. Claims 1 and 10 stand rejected in the Office action under 35 USC §102 as being anticipated by *Tall Oil Fatty Acids and Relative Substances* by Pine Chemical Association or PCA. The rejection is respectfully traversed.

Amended claims 1 and 10 are directed to “a wood cooking aid comprising a fatty acid component and a rosin acid component and/or salts thereof wherein said fatty acid component is blended together with said rosin acid component to produce said cooking aid, (emphasis added) and wherein said cooking aid comprises about 70 to about 2% fatty acids, and about 20 to about 98% rosin acids.”

PCA is directed to tall oil fatty acids and related substances. PCA teaches the compositions of said tall oil fatty acids and related substances and the toxicity of said fatty acids and related substances. PCA does not teach applicant’s claimed wood cooking aid comprising “a fatty acid component and a rosin acid component and/or salts thereof wherein said fatty acid component is blended together with said rosin acid component to produce said cooking aid.” Thus, PCA cannot be said to anticipate amended claims 1-20.

#### **Rejections under 35 USC §103**

16. Claims 17 and 20 stand rejected in the Office action under 35 USC §103 as being unpatentable over MAGEE in view of PCA. The rejection is respectfully traversed.

18. Claims 18 and 19 stand rejected in the Office action under 35 USC §103 as being unpatentable over MAGEE in view of PCA, and further in view of USP 7,255,873 to Nakata. The rejection is respectfully traversed.

19. Claims 11 and 12 stand rejected in the Office action under 35 USC §103 as being unpatentable over MAGEE in view of PCA. The rejection is respectfully traversed.

In response, amended claims 11 and 12 are directed to “a wood cooking aid comprising a fatty acid component and a rosin acid component and/or salts thereof wherein said fatty acid

component is blended together with said rosin acid component to produce said cooking aid" (*emphasis added*).

Amended claims 17, 18 and 19 are directed to a method for making a wood cooking aid comprising the step of "blending a fatty acid component with a rosin acid component to produce a fatty acid rosin acid mixture" (*emphasis added*).

Amended claim 20 is directed to a method for cooking hardwood comprising the step of "contacting hardwood particles with a cooking liquor comprising a cooking aid...wherein said cooking aid comprises about 70 to about 2% fatty acids, and about 20 to about 98% rosin acids and less than 15% unsaponifiable material".

The applicant respectfully submits that none of MAGEE, PCA and Nakata, alone or in any combinations, teach or suggest applicant's claimed wood cooking aid comprising "a fatty acid component and a rosin acid component and/or salts thereof wherein said fatty acid component is blended together with said rosin acid component to produce said cooking aid" (*emphasis added*). None of MAGEE, PCA and Nakata, alone or in any combinations, teach or suggest the claimed method for cooking hardwood comprising the step of "contacting hardwood particles with a cooking liquor comprising a cooking aid...wherein said cooking aid comprises about 70 to about 2% fatty acids, and about 20 to about 98% rosin acids and less than 15% unsaponifiable material"

As such, MAGEE, PCA and Nakata, either alone or in any combinations, cannot be said to make obvious amended claims 1-20. Thus, the rejection of claims 11, 12 and 17-20 under 35 USC 103 is therefore believed by the applicant to be overcome.

In view of the above Amendments and Remarks, prompt allowance of all pending claims is respectfully requested.

If it would be of assistance in resolving any issues in this application, the Examiner is kindly invited to contact applicant's agent Mary Gilbreth at 713 667 1200 x 101, or applicant's attorney Mark Gilbreth at 713 667 1200 x 102.

Respectfully submitted,

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